

Senate Bill 274
January 29, 2007
Presented by Larry Peterman
Senate Natural Resources & Energy Committee

Mr. Chairman and committee members, for the record I am Larry Peterman, Chief of Field Operations for Montana Department of Fish, Wildlife & Parks (FWP). I am here to provide information on SB 274.

SB 274 removes the threshold requirement of 100 acres or \$100,000, which places a land or water acquisition before the land board. This would increase the number of acquisition actions the Department must bring before the Land Board by a considerable amount. During the last biennium, the FWP Commission approved 46 land/water transactions. Of that amount, 20 transactions met the criteria of 100 acres and/or \$100,000 and were brought before the land board. Of the 26 that were approved by the Commission but did not go before the land board, 15 were purchases, donations or leases that were 10 acres or less. The Department agrees that major acquisitions should be subject to Land Board approval, but leaves the question of extending that process beyond current law to this committee.

SB 274 also requires that "a purchase of conservation easement by a public body must provide for public access to the property subject to the conservation easement. The Department would note that while the vast majority of conservation easements purchased by the Department do include provisions for public access, there are exceptions where public access is neither appropriate nor necessary. For example, the Department purchased a conservation easement on a pond that was draining water into the Pictograph Caves, a state park south of Billings. The easement precludes the landowner from directing water into the pond, so that no more water damage would occur to the pictographs in the caves. The Department has also purchased easements on property that is too small to accommodate public access, or where the habitat protection of the easement may provide critical protection of wildlife movements along corridors to or from other properties where public access exists. We believe the bill should be modified to allow for those situations where public access would interfere with the primary purpose of the easement.